

CALIFORNIA DEPARTMENT OF INSURANCE  
LEGAL DIVISION – ENFORCEMENT BUREAU

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Attorneys for the  
California Department of Insurance

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF CALIFORNIA  
SAN FRANCISCO**

In the Matter of the License and Licensing  
Rights of:

File No. DISP-2007-00347

**FIDELITY NATIONAL TITLE  
COMPANY,**

**ORDER**

Respondent.

WHEREAS, on or about February 17, 2009, the Insurance Commissioner (hereafter  
“Commissioner”) caused to be served upon FIDELITY NATIONAL TITLE COMPANY  
(hereafter “FIDELITY”) an Accusation, Notice of Noncompliance, and Demand for Monetary  
Penalty, denominated “In the Matter of the License and Licensing Rights of: FIDELITY  
NATIONAL TITLE COMPANY, Respondent,” File No. DISP-2007-00347 (hereafter  
“Accusation”). Said Accusation is incorporated herein by reference, and alleged that FIDELITY  
engaged in unlawful rebate activities in violation of California Insurance Code §§12404, 12405,  
12405.7 and 12408.5 and the requirements and standards of §12389.2; and,

1 WHEREAS, FIDELITY has executed a Stipulation and Waiver in which it waived its  
2 rights to a hearing in this matter, and any other rights which may be accorded pursuant to the  
3 provisions of the California Administrative Procedure Act (Government Code §§11500-11528)  
4 and the California Insurance Code, and has stipulated to the entry of this Order. Said Stipulation  
5 and Waiver is incorporated herein by reference; and,

6 GOOD CAUSE APPEARING,

7 IT IS HEREBY ORDERED that FIDELITY shall Cease and Desist from engaging in  
8 practices, methods, acts or conduct in violation of California Insurance Code §§12404, 12405,  
9 12405.7 and 12408.5; and,

10 IT IS FURTHER ORDERED that FIDELITY shall comply with the provisions of  
11 California Insurance Code §§12404, 12405, 12405.7 and 12408.5 prohibiting illegal  
12 rebate/inducement activities; and,

13 IT IS FURTHER ORDERED that FIDELITY shall pay the amount of three hundred forty-  
14 five thousand dollars (\$345,000.00) to the California Department of Insurance (hereafter  
15 "Department"), in three installments, as a monetary penalty pursuant to California Insurance  
16 Code §§12409 and 12976 in settlement of the Accusation. The first penalty payment installment  
17 of one hundred seventy-five thousand dollars (\$175,000.00) shall be paid within ten (10) days  
18 after receiving an invoice from the California Department of Insurance, Division of Accounting;  
19 the second penalty payment installment of eighty-five thousand dollars (\$85,000.00) shall be paid  
20 on June 15, 2009; and the final penalty payment installment of eighty-five thousand dollars  
21 (\$85,000.00) shall be paid on September 15, 2009; and,

22 IT IS FURTHER ORDERED that FIDELITY shall pay, within ten (10) days of receipt of  
23 an invoice from the California Department of Insurance, Division of Accounting, the amount of  
24 twenty thousand dollars (\$20,000.00) to the Department for reimbursement of attorneys fees and  
25 costs, pursuant to California Insurance Code §12921; and,

26 IT IS FURTHER ORDERED that this Order shall become effective immediately upon the  
27 date set forth below.  
28

1 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this  
2 16th day of March, 2009.

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6 STEVE POIZNER  
Insurance Commissioner

7  
8 By: 

9 JERRY L. WHITFIELD  
10 Assistant Chief Counsel  
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